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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8  
9 BOVIS LEND LEASE INC.,

10 Plaintiff, No. 07-05262 JSW

11 v.

12 MBH ARCHITECTS INC.,

13 Defendant.

**ORDER REQUIRING PARTIES  
TO MEET AND CONFER AND  
PROVIDE FURTHER  
SUBMISSIONS IN ADVANCE OF  
PRETRIAL CONFERENCE**

14 AND RELATED CROSS-COMPLAINT

15  
16 The Court has received the parties' pretrial filings. Based on the Court's preliminary  
17 review of those materials it is HEREBY ORDERED as follows:

18 1. The parties shall meet and confer in person to comply with Paragraph 2(h) of this  
19 Court's Guidelines for Civil Jury Trials, which provides that the parties' exhibit list shall set  
20 forth objections to the exhibits. Thus, the parties' tabular list of exhibits should be in the  
21 following format: the first column should describe the exhibit, the second column should set  
22 briefly set forth the basis of the objection, and the third column should set forth a brief response  
23 thereto. As set forth in that paragraph, the parties also shall "attempt to resolve objections to  
24 the exhibits before this list is filed with the Court, to consider exhibit numbers, and to eliminate  
25 duplicate exhibits and confusion over the precise exhibit. Unless there is a genuine issue as to  
26 the authenticity of exhibits, a party that has produced documents should not object to the other  
27 party offering those documents as exhibits on the basis of authenticity or the best evidence rule.  
28 Finally, the Court normally will not entertain routine objections to exhibits on the basis of a  
lack of foundation." **By no later than 4:00 p.m., Friday, March 27, 2009**, the parties shall file

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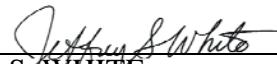
1 a revised exhibit list in this format and shall submit a chambers copy to the Court accompanied  
2 by a binder that contains each exhibit to which there is an objection. The binder and the  
3 exhibits therein need not be filed with the Court.

4 2. MBH has submitted deposition designations for the Deposition of Ryan  
5 Sondgrath. The Court presumes there are no objections to the designated portions of Mr.  
6 Sondgrath's testimony. However, if Bovis does object to these designations, the parties shall  
7 meet and confer in person and comply with Paragraph 2(f) of this Court's Guidelines for Civil  
8 Jury Trials. Any supplemental submissions pursuant to this paragraph shall be due by no later  
9 than **4:00 p.m., Friday, March 27, 2009.**

10 3. Finally, although Bovis captioned some jury instructions as "stipulated," MBH  
11 has submitted objections to what have been designated stipulated instructions. MBH also has  
12 submitted a number of instructions that are captioned "Stipulated/Disputed," and a separate list  
13 of Ninth Circuit and California model jury instructions. The parties shall meet and confer in  
14 person and submit a revised set of **joint** stipulated jury instructions and any additional disputed  
15 instructions, to the Court by no later than **4:00 p.m., Friday, March 27, 2009.** The parties need  
16 not re-file their memoranda of law on disputed jury instructions. If additional instructions are in  
17 dispute, then any memoranda of law in support of or in opposition to the disputed instructions  
18 also shall be due by no later than **4:00 p.m., Friday, March 27, 2009.**

19 **IT IS SO ORDERED.**

20 Dated: March 20, 2009

  
21 JEFFREY S. WHITE  
22 UNITED STATES DISTRICT JUDGE

23 cc:

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